

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

18 CR 16 (RJS)

AKAYED ULLAH,

Trial

Defendant.

New York, N.Y.
October 30, 2018
12:00 p.m.

Before:

HON. RICHARD J. SULLIVAN

District Judge

APPEARANCES

GEOFFREY S. BERMAN

United States Attorney for the
Southern District of New York

SHAWN G. CROWLEY

REBEKAH A. DONALESKI

GEORGE D. TURNER

Assistant United States Attorneys

FEDERAL DEFENDERS OF NEW YORK, INC.

Attorneys for Defendant

BY: AMY GALLICCHIO

JULIA GATTO

COLLEEN P. CASSIDY

Also Present:

JOHN MAURER - Special Agent, FBI

MICHAEL DELUCA - Paralegal, U.S. Attorney

JASON T. FISCHER - Paralegal, Federal Defenders

CHIRAAHYU GOSRANI - Paralegal, Federal Defenders

1 There has been evidence in this case that the
2 defendant made statements to government and law enforcement
3 authorities. Evidence of these statements is properly admitted
4 in this case and may properly be considered by you. You are to
5 give those statements such weight as you feel they deserve in
6 light of all the circumstances. Whether you approve or
7 disapprove of the use of these statements may not enter into
8 your deliberations. I instruct you that no one's rights were
9 violated and that the government's use of this evidence is
10 entirely lawful.

11 You have heard testimony from four expert witnesses:
12 Aaron Zelin, Derrick McClarin, Robert Gillette, and Christopher
13 Rigopoulos. An expert is a witness who by education or
14 experience has acquired learning or experience in a specialized
15 area of knowledge beyond the knowledge of the average juror.
16 Such witnesses are permitted to give their opinions as to
17 relevant matters in which they prove to be an expert and to
18 give their reasons for their views.

19 Your role in judging credibility applies to experts as
20 it does to any other witness. You should consider the expert
21 opinions that were received in evidence in this case and give
22 them as much or as little weight as you think they deserve.

23 You have heard the testimony of law enforcement
24 witnesses. The fact that a witness may be or has been employed
25 as a law enforcement officer does not mean that his or her

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

18 CR 124 (JPO)

5 LEONARD MATHEWS,

6 Defendant.

7 -----x
8 New York, N.Y.
9 September 24, 2018
9:45 a.m.

10 Before:

11 HON. J. PAUL OETKEN,

12 District Judge
13 -And a Jury-

14 APPEARANCES

15 GEOFFREY S. BERMAN,

16 United States Attorney for the
17 Southern District of New York

18 JUSTIN V. RODRIGUEZ

DOMINIC GENTILE

19 EMIL BOVE

Assistant United States Attorneys

20 BRUCE K. KAYE

Attorney for Defendant

21 ALSO PRESENT:

22 SABRINA PARISI, USAO Paralegal

23 ELVIS COLE, NYPD

24
25 (Case called; jury pool not present)

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Charge

1 opportunity or lack of opportunity to call any of these
2 witnesses. Therefore, you should not draw any inference or
3 reach any conclusions as to what they would have testified to
4 had they been called. Their absence should not affect your
5 judgment in any way.

6 You should, however, remember my instruction that the
7 law does not impose on a defendant in a criminal case the
8 burden or duty of calling any witness or producing any
9 evidence. The burden remains with the government to prove the
10 guilt of the defendant beyond a reasonable doubt.

11 There has been evidence that the defendant made
12 statements to law enforcement authorities or other
13 investigators. Evidence of these statements was properly
14 admitted in this case and may be properly considered by you.
15 You are to give the statements such weight as you feel they
16 deserve in light of all the evidence.

17 Whether you approve or disapprove of the use of these
18 statements may not enter into your deliberations. I instruct
19 you that the statements were both made and obtained in a lawful
20 manner, and that no one's rights were violated, and the
21 government's use of the evidence is entirely lawful.

22 You have heard testimony that defendant made
23 statements in which the defendant claimed that his conduct was
24 consistent with innocence and not with guilt. The government
25 claims that these statements in which the defendant exculpated

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

New York, N.Y.

4 v.

S1 17 Cr. 0739 (RA)

5 PATRICK MURACA,

6 Defendant.

7 -----x

8 July 30, 2018
9 9:55 a.m.

10 Before:

11 HON. RONNIE ABRAMS,

12 District Judge

13
14 APPEARANCES

15 GEOFFREY S. BERMAN

16 United States Attorney for the
17 Southern District of New York

BY: DAVID ABRAMOWICZ

17 KATHERINE REILLY

CHRISTOPHER DiMASE

18 Assistant United States Attorneys

19 BENNETT EPSTEIN

SARAH SACKS

20 Attorneys for Defendant

21 - also present -

22 Sam Lachow, government paralegal

23 SA Jordan Anderson, FBI

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Charge

1 other people are not on trial before you now. Those matters
2 are wholly outside your concern and have no bearing on your
3 function as jurors in deciding the case before you.

4 Some of the exhibits that were admitted into evidence
5 were in the form of charts or summaries. I decided to admit
6 these charts and summaries in place of, or in addition to the
7 underlying documents that they represent in order to save time
8 and avoid unnecessary inconvenience. You should consider these
9 charts and summaries as you would any other evidence.

10 During the course of the trial, you have seen, among
11 the exhibits received in evidence, some documents that are
12 redacted. Redacted means that part of the document was taken
13 out. You are to certain yourself only with the part of the
14 item that has been admitted into evidence. You should not
15 speculate as to any reason why the other part of it has been
16 redacted.

17 There has been no evidence that Mr. Muraca made
18 statements to law enforcement authorities. Evidence of these
19 statements was properly admitted in this case, and may be
20 properly considered by you. You are to give the statements
21 such weight as you feel they deserve in light of all of the
22 evidence.

23 Whether you approve or disapprove of the use of these
24 statements may not enter into your deliberations. I instruct
25 you that the statements were both made and obtained in a lawful

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1 manner, and that no one's rights were violated and the
2 government's use of this evidence is entirely lawful.

3 You have heard testimony that Mr. Muraca made certain
4 statements in which he claimed that his conduct was consistent
5 with innocence and not guilt. The government claims that these
6 statements in which Mr. Muraca exculpated himself are false.
7 If you find that Mr. Muraca gave a false statement in order to
8 divert suspicion from himself, you may, but are not required
9 to, infer that Mr. Muraca believed that he was guilty. You may
10 not, however, infer on the basis of this alone that Mr. Muraca
11 is, in fact, guilty of the crimes for which he is charged.

12 Whether the evidence as to Mr. Muraca's statements
13 shows that the defendant believed that he was guilty, and the
14 significance, if any, to be attached to any such evidence, are
15 matters for you, the jury, to decide.

16 Under our Constitution, the defendant in a criminal
17 case never has any duty to testify or come forward with any
18 evidence. This is because the burden of proof beyond a
19 reasonable doubt remains on the government at all times, and
20 the defendant is presumed innocent. A defendant is never
21 required to prove that he or she is innocent.

22 The defendant, Mr. Muraca, did not testify in this
23 case. You may not attach any significance to that fact. No
24 adverse inference against him may be drawn by you in any way
25 and you may not consider this fact against him in any way in

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

13 CR 582 (LAP)

5 ANDRE CALIX,

6 Defendant.

7 -----x
8 New York, N.Y.
September 18, 2017
9 10:00 a.m.

10 Before:

11 HON. LORETTA A. PRESKA

12 District Judge

13 APPEARANCES

14 JOON H. KIM
15 Acting United States Attorney for the
Southern District of New York

16 NATHAN REHN
TIMOTHY V. CAPOZZI

17 BRENDAN QUIGLEY
Assistant United States Attorneys

18 FEDERAL DEFENDERS OF NEW YORK
19 Attorneys for Defendant

20 ROBERT BAUM
SYLVIE LEVINE
21 IAN MARCUS AMELKIN

22 ALSO PRESENT:

23 JASON FLOYD, Special Agent, FBI
SARA GOMEZ, Paralegal, Federal Defenders of New York
24 JASON FISCHER, Federal Defenders of New York
ANDREW HAMILTON, Paralegal, USAO
25

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Jury Charge

1 find to be proven, such reasonable inferences as would be
2 justified in light of your experience.

3 Here, again, however, let me remind you that, whether
4 based on direct or circumstantial evidence or upon the logical
5 reasonable inferences drawn from such evidence, you must be
6 satisfied of the guilt of the defendant beyond a reasonable
7 doubt before you may convict.

8 You've heard evidence in the form of a stipulation of
9 fact. A stipulation of fact is an agreement between the
10 parties that a certain fact is true. You must regard such
11 agreed facts as true. It is for you, however, to determine the
12 effect to be given to any stipulated fact.

13 There has been evidence that the defendant, Andre
14 Calix, made statements to law enforcement authorities.
15 Evidence of these statements was properly admitted in this case
16 and may properly be considered by you. You are to give the
17 evidence of such statements such weight as you feel it deserves
18 in light of all of the evidence. Whether you approve or
19 disapprove of the use of these statements may not enter into
20 your deliberations. I instruct you that no one's rights were
21 violated, and that the government's use of this evidence is
22 entirely lawful.

23 There has been a great deal said in the openings and
24 the summations of counsel about whether various witnesses
25 should be believed. I am sure it's clear to you by now that

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 UNITED STATES OF AMERICA,

4 v.

16 Cr. 488 (LAK)

5 KEVIN STERLING, ALONZO VERNON,

6 Defendants.

Trial

-----x

7 New York, N.Y.

8 April 3, 2017

9:39 a.m.

9 Before:

10 HON. LEWIS A. KAPLAN,

11 District Judge,

12 and a Jury

13 APPEARANCES

14 JOON H. KIM

Acting United States Attorney for the
Southern District of New York

15 BY: DREW T. JOHNSON-SKINNER

JUSTINA L. GERACI

16 ANDREW C. ADAMS

Assistant United States Attorneys

17 COLSON LAW PLLC

Attorneys for Defendant Kevin Sterling

18 BY: DEBORAH A. COLSON, ESQ.

19 CHARLES A. ROSS & ASSOCIATES, LLC

Attorneys for Defendant Kevin Sterling

20 BY: DOREA H. SILVERMAN, ESQ.

21 GEORGE R. GOLTZER, ESQ.

Attorney for Defendant Alonzo Vernon

22 YING STAFFORD, ESQ.

Attorney for Defendant Alonzo Vernon

23 ALSO PRESENT: DARCI BRADY, Paralegal, USAO

JARED TEPPERMAN, Detective, NYPD

24 SARAH WALDRON, Paralegal, Defense

25 SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

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Charge

1 testify, and you may not consider the fact against either
2 defendant in any way in your deliberations in the jury room.

3 There has been evidence that one or both of the
4 defendants -- and your memory will serve you on this -- made
5 statements to law enforcement authorities. Evidence of these
6 statements was properly admitted in this case and may be
7 properly considered by you, subject, of course, in the case of
8 the statement Mr. Sterling is said to have made at the time of
9 his arrest, only against him. You are to give the evidence of
10 such statements such weight as you feel it deserves in light of
11 all the evidence. Whether you approve or disapprove of the use
12 of those statements may not enter into your deliberations. I
13 instruct you that no one's rights were violated and the
14 government's use of that evidence is entirely lawful.

15 You have heard evidence that Kevin Sterling left the
16 New York City area sometime after the June 1, 2016 shooting.
17 If proved, the flight of a defendant after he thinks he may be
18 accused of a crime may tend to prove that the defendant
19 believed he was guilty. This may be weighed by you in this
20 connection together with all of the evidence. However, a
21 departure from an area may be merely coincidence. Even
22 intentional flight doesn't always reflect feelings of guilt.
23 Moreover, feelings of guilt which are present in many innocent
24 people do not necessarily reflect actual guilt. You are
25 specifically cautioned that evidence of flight of a defendant

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Trial

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 -----x
4 UNITED STATES OF AMERICA,

5 v.

15 Cr. 765 (PAC)

6 EFRAIN ANTONIO CAMPO FLORES and
7 FRANQUI FRANCISCO FLORES DE FREITAS,

8 Defendants.
9 -----x

New York, N.Y.
November 18, 2016
9:43 a.m.

10 Before:

11 HON. PAUL A. CROTTY,

District Judge

12 APPEARANCES

13 PREET BHARARA

United States Attorney for the
Southern District of New York

14 EMIL J. BOVE III

15 BRENDAN F. QUIGLEY

Assistant United States Attorneys

16 BOIES, SCHILLER & FLEXNER LLP

Attorneys for Defendant Campo Flores

17 RANDALL W. JACKSON

18 JOHN T. ZACH

JOANNA CHRISTINE WRIGHT

19 SIDLEY AUSTIN LLP

Attorneys for Defendant Flores de Freitas

20 DAVID M. RODY

21 ELIZABETH A. ESPINOSA

MICHAEL D. MANN

22 ALSO PRESENT:

23 ERIKA DE LOS RIOS

24 MIRTA HESS

Spanish Interpreters

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Charge

1 your deliberations in the jury room.

2 Now there has been evidence that Mr. Campo Flores and
3 Mr. Flores de Freitas made certain factual admissions to
4 Special Agent Sandalio Gonzalez during the flight from Haiti to
5 Westchester on November 10, 2015. For example, there are notes
6 of the defendants' statements that Special Agent Gonzalez
7 testified he took contemporaneously. There are also
8 typewritten reports of the defendants' statements, dated three
9 and six days after the flight, that Special Agent Gonzalez
10 testified he prepared. There are no audio recordings or audio
11 visual recordings of the defendants' statements; Special Agent
12 Gonzalez testified that he did not record them.

13 Now evidence of these statements was properly admitted
14 in this case, and may be considered by you. You are to give
15 the evidence of such statements such weight as you feel it
16 deserves in light of the evidence. Whether you approve or
17 disapprove of the use of these statements may not enter your
18 deliberations. I instruct you that no one's rights were
19 violated and that the government's use of this evidence is
20 entirely lawful.

21 I must emphasize that the evidence of
22 Mr. Campo Flores' statements to the authorities after his
23 arrest about his own conduct may not be considered or discussed
24 by you in any way with respect to Mr. Flores de Freitas.
25 Similarly, the evidence of Mr. Flores de Freitas' statements to

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

15 CR 377 (AJN)

STEVEN RAWLINS,

Defendant.

New York, N.Y.
November 2, 2015
9:40 a.m.

Before:

HON. ALISON J. NATHAN,

District Judge

APPEARANCES

PREET BHARARA,

United States Attorney for the
Southern District of New York

ANDREW J. DeFILIPPIS, ESQ.

ANDREW BAUER, ESQ.

Assistant United States Attorney

BRAUN & ASSOCIATES

Attorneys for Defendant

BY: RICHARD J. BRAUN, ESQ.

SULLIVAN & BRILL, LLP

Attorneys for Defendant

BY: STEVEN G. BRILL, ESQ.

ALSO PRESENT:

CHRISTOPHER DELZOTTO, Special Agent, FBI

MARY DIAZ, Paralegal Specialist, U.S. Attorney's Office

HOLLY MEISTER, Paralegal Specialist, U.S. Attorney's Office

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1 Statements of the Defendant: There has been evidence
2 that the defendant made certain statements to law enforcement
3 authorities. Evidence of this statement was properly admitted
4 in this case and may be properly considered by you. You are to
5 give the evidence of such statements such weight as you feel it
6 deserves in light of all of the evidence. Whether you approve
7 or disapprove of the use of these statements may not enter into
8 your deliberations.

9 Persons Not on Trial or Not Indicted: If you conclude
10 that other persons may have been involved in criminal acts
11 charged in the information, you may not draw any inference,
12 favorable or unfavorable, towards the government or the
13 defendant from the fact that certain persons other than the
14 defendant were not named as defendants in the information. You
15 also may not speculate as to the reasons why other persons are
16 not on trial. Those matters are wholly outside your concern
17 and have no bearing on your function as jurors.

18 Particular Investigative Techniques Not Required: You
19 have heard reference in the arguments of defense counsel in
20 this case to the fact that certain investigative techniques
21 weren't used by law enforcement authorities. There is no legal
22 requirement that the government prove its case through any
23 particular means. While you are to consider carefully the
24 evidence presented by the government, you need not speculate as
25 to why the government used the techniques it did or why it did